VII

19 51 **File No.** 9697/36

B CLASS

P.W DEPARTMENT

E BRANCH (I

Subject:—

Establishment

States merged in B'Bay

Province

(31)

B[K]-1950

V

E.B(III)

File No. 9697/36 — VII

Std. Sectt. Slip 24-A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 9697/36-VII

P.W DEPT.

E BRANCH. III)

References :—

Date.	To whom sent.	Notes and instructions.

State servants absorbed in Government service. Probationary period and departmental examination for the

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circluar No. 2735/46.

Bombay Castle, 9th March 1950.

CIRCULAR OF GOVERNMENT.

With reference to Government Resolution, Political and Services Department, No. 2735/46, dated the 20th May 1949, Government is pleased to direct that all the State employees who have been absorbed in Government service and who are below 40 years of age on the 1st January 1950, should be on probation for one year with effect from the date of their appointment under this Government. All these persons who are absorbed in posts or services in respect of which departmental and/or language examinations have been prescribed should pass such examinations within two years from the date of their appointment. In special circumstances, Government may extend this period to three years. The increments of the persons who fail to pass the examinations within the prescribed period will be liable to be withheld.

2. All the State servants in question shall be eligible to draw increments during the period of probation as well as the period allowed to them for passing the prescribed departmental and/or language examinations.

By order of the Governor of Bombay,

M. D. BHAT,
Chief Secretary to the Government of Bombay, Political and Services Department.

To

The Private Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Secretary, Bombay Public Service Commission,
The Accountant General, Bombay (through the Finance Department),
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
The Finance Department,
All other Departments of the Secretariat (except the Separate Department),
*The Secretary to the Government of India, Ministry of States.

* By letter.

No. of 195C

Copy forwarded for information and guidance to

DJT./-

Fixation of Pay, Seniority increment etc. of the members of the Regional Establishment of Kolhapur and Deccan States.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Resolution No. 2735/46,
Bombay Castle, 27th May 1950.

Letter from the Collector of Satara South, No.EST.II. 423 dated the 10th March 1950.

"The marginally noted five persons from the office of the Regional Commissioner, Kolhapur were on deputation to the office of the Chief Administratior, Sangli from Rebruary 1948. These clerks were appointed to hold posts of clerks sanctioned from time to time by Government for the office of the Chief Administrator, Sangli and were allowed to draw pay in the revised Bombay Pay scales witheffect from the date of their appointment to such posts pending orders of their final absorption in Government service as stated in this office letter dated 11-12-1948 under reference. The office of the Chief Administrator Snagli ceased to function from 1-8-1949 when the new set up was inaugurated and the posts which the above mentioned clerks from Regional Commissioner's Office were holding also became defunct. However prior to 1-8-1949 Chief Administrator Sangli, has issued orders in regard to the absorption of these 5 persons and they have been posted in this district with effect from 1-8-1949. As the cases of these servants do not fall under G.R. dated 20-5-1049 so far as the fixation of initial pay of these servants is concerned. I have allowed them to draw their salary in the Revised Bombay Scales pending final orders in regard to the fixation of their initial pay on absorption. The point that has now arisen is what should be the date of absorption and whether G.R., P.&S.D. No. 2735/46-II, dated 20-5-1949 which lays down the rules for the fixation of initial pay of absorbed State Servants is applicable in the cases of Regional Commissioner's staff absorbed in Bombay Government Service.

1. M. N. Samant, A.K.
2. G. V. Torney, A.K.
3. R.E. Fernandese, Clerk.
4. G.H. Y. Sayad. "
5. S. K. Shitole. "

The .....

The date of absorption has been taken as 1-12-1948 in the case of a bsorbed State servants by this office and report has already been submitted to Government in this respect. Orders of Government are awaited. It is, therefore, requ--ested that orders of Government may be obtained as to whether the provisions of G.R., P. & S.D. dated 20-5-1949 are ~~xxx~~ also applicable to the staff of the Regional Commi--ssioner's Office, Kolhapur absorbed in Government Service and posted in this District with effect from 1.8.1949 and communicated to me early so that the fixation of intial pay of these servants would be taken up immediately."

RESOLUTION- Government is pleased to direct that in the case of those members of the Regional Staff of Kolhapur and the Deccan States who draw pay in the post war revised scales as fixed by the Central Government (or the pre--retrenched scales of Central Government) their initial pays under the Government of Bombay should be fixed at a Stage which is equal to their present pay or the next lower stage plus the difference as personal pay to be absorbed in future increments.

By order of the Governor of Bombay,

J. Chaves,

For Chief Secretary to the Government of Bombay, Political and Services Department.

To

All Collectors;
All Commissioners,
The Accountant General, Bombay,.
All Departments of the Secretariat.

5

for further orders pl. see - G.C., P.& S.D., no. 2735/46, dt. the 9-3-50. (file No. 6987/36/41446) — 9697

Fixation of Pay and Seniority of servants of the States which have integrated or merged with the Province of Bombay.

Government of Bombay.

POLITICAL AND SERVICES DEPARTMENT.

Resolution No. 2735/46-II.

Bombay Castle, 20th May 1949.

RESOLUTION OF GOVERNMENT.

In connection with the settlement of the question of absorption of the Public servants of the merged and integrated States, the Government of Bombay is pleased to make the foll--owing rules to regulate the fixation of pay and seniority of State servants on their absorption in Bombay Government service. Cases of absorption of all Officers recomended for Provincial Services should invariably be referred to the Public Service Commission and cases of Judicial Officers should be referred to the High Court for approval.

Rules.

1. These rules may be called "Rules for the fixation of Pay and Seniority of State servants".

2. In these rules, unless there is anything repugnant in the subject or context, ——

(a) " Basic pay " means the pay in the time scale of of pay attached to a post (or, where a fixed pay, and not a time scale, is attached to a post, such fixed pay) excluding additional pay, special pay, personal pay, technical pay, allowances and any other kind of emoluments;

(b) " Cadre " means the posts in State service the responsibilities of which are certified by the Head of the Department to be not less than those of the post in which the State servant is absorbed;

(c) " Prescribed scale " means the scale of the post in which the State servant is absorbed. If the service in which the State servant is absorbed is divided into two or more grades, the prescribed scale shall, for the purpose of determination of initial pay, be assumed to be the scale which is obtained by treating the scales of the two or more grades as one continuous scale. For example, the scale of a post of Mamlatdar should be assumed to be Rs. 250-15-325--340-15-400-420-20-500;

(d) " Present Pay " means the basic pay drawn in State service on the date of absorption;

(e) " Substantive pay " means the basic pay drawn in a post held in a permanent capacity. If there is no clear distinction between permanent and temporary employees of a State, persons who have rendered not less than 10 years' continous service shall be regarded as a permanent State servants. Persons officiating in clear vancies in permanent posts shall also be treated as holding the posts in a permanent capacity.

3. On his absorption in Government service, the initial pay of a State servant other than one to whom rule 7 is applicable shall be fixed as follows :—

(1) If the present pay is his substantive pay, initital pay shall be fixed according to the following formua.

..... Completed .....

Completed years of service, as on the date of absorption, in the cadre in which he served.	Initial pay.
Three years' service and under ...	Next higher stage.
Over 3 years but not over 6 years..	Next higher stage plus one increment.
Over 6 years but not over 12 years	Next higher stage plus two increments.
Over 12 years but not over 20 years. ...	Next higher stage plus three increments.
Over 20 years.	Next higher stage plus four increments.

Provided that ——

(i) If the present pay is less than the minimum of the prescribed scale, the initial pay shall not exceed the sum of (a) the present pay and (b) the amount of the first five increments in the prescribed scale; or, if there is no stage corresponding to such sum, the next lowest stage. If the sum referred to is less than the minimum of the prescribed scale, the minimum shall be given.

(ii) If the initial pay determined under this sub-rule exceeds the pay which would have been admissible had the entire service in the cadre been rendered in the prescribed scale, the latter pay shall be fixed as initial pay, provided further that, if the present pay (i.e., substantive pay) exceeds the pay so fixed, the excess shall be granted as personal pay to be absorbed in future increments.

(iii) If the present pay is equal to the maximum of the prescribed scale, the maximum shall be given. Cases in which the present pay exceeds the maximum of the prescribed scale or is higher, by 20 per cent. or more, than the basic pay drawn in State service on 1st August 1947 (or on the date of entry into State Service, if it is later than 1st August 1947) shall be reported to Government for orders as to fixation of pay.

(2) If the present pay of the State servant is not his substantive pay, he shall be given the minimum of the prescribed scale, increased by increments on the following scale :—

Completed years of service, as on the date of absorption, in the cadre in which he served.	No. of increments.
Less than 5 years. ...	Nil.
5 years and more but less than 7½ years ...	One.
7½ years and more but less than 10 years ...	Two.
10 years and more ...	Three.

Provided that

(i) If the present pay is less than the minimum of the prescribed scale, the initial pay shall not exceed the sum of (a) the present pay and (b) the amount of the first three increments in the prescribed scale; or, if there is no stage corresponding to such sum, the next lower stage. If the sum referred to is less than the minimum of the prescribed scale, the minimum shall be given.

(ii) The initial pay fixed under this sub-rule shall not exceed the pay that would have been admissible under sub-rule (1) had the present pay of the State servant been his substantive pay.

(iv) If the present pay is equal to the maximum of the prescribed scale, the maximum shall be given. Cases in which the present pay exceeds the maximum of the prescribed scale or is higher by 20 per cent. or more, than the basis pay drawn in State service on 1st August 1947 (or on the date of entry into State Service, if it is later than 1st August 1947) shall be reported to Government for orders as to fixation of pay.

4. If a State servant has not held any post in a State cadre as defined in rule 2, he shall be given the stage in the prescribed scale next above his present pay, if the latter is his substantive pay; and, otherwise, the minimum of the prescribed scale.

5. The next increment of a State servant shall be granted on the date on which an increment is earned in the prescribed scale.

6. The seniority of the State servant absorbed in Government service (other than those to whom rule 7 is applicable), vis-a-vis Government servants, shall be fixed on the basis of the initial pay [excluding personal pay admissible under the proviso to sub-rule (1) of rule 3] given to them in accordance with rules 3 and 4 of these rules. A State servant shall rank below the most junior Government servant drawing pay equal to or higher than the former's initial pay. As between two State servants whose initial pay is identical, seniority shall be fixed on the basis of length of service in the State.

7. The provisions of the foregoing rules do not apply to such categories of permanent State servants as may, in view of their pay scales being clearly higher than those of corresponding Government servants, be notified by Government under this rule. All State servants belonging to these categories shall, on absorption in Government service, continue to get the pays and pay scales admissible to them in State service. Such pay scale shall be personal to them.

Note.---Rules of seniority applicable to these categories will be separately notified.

Instruction.---The Heads of Departments should report to the Political and Services Department through the administrative Department of the Secretariat concerned the categories which, in their opinion, should be notified under this rule.

By order of the Governor of Bombay,

M.D.BHAT.
Chief Secretary to the Government of Bombay,
Political and Services Department.

G.R.No. 2735/46-II, P.& S.D., dated 20th May 1949.

To

The Private Secretary to the Governor,
The Secretary, Bombay Public Service Commission,
The Secretary to the Honourable the Premier,
The Accountan General, Bombay (through the Finance Department).
The Prothonotary and Senior Master, High Court, Bombay (by letter),
The Registrar, High Court, Appllate Side, Bombay (by letter),
The Director of Publicity, Bombay (for issuing Press Note),
All Chief Administrators of the integrated States,
The Special Commissioner, Baroda,
All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat,
The Secretary to the Government of India, Ministry of States (by letter).

No. of 1949.
Copy forwarded for information and guidance to

No. 2735/46-II-F
Political and Services Department,
Bombay Castle, 15th November
1949.

Subject : State Servants absorbed in Bombay Government Service
Probationary period for the ———

MEMORANDUM:-

The undersigned presents compliments to the Secretary to Government, Public Works Department, and with reference to Government Resolution, Political and Services Department, No. 2735/46-II-dated the 20th May 1949 is directed to state that Government has under consideration the question whether every absorbed State Servant should be on probation for a period of one or two years before he is confirmed in his cadre. It has therefore been decided to refer the following two questions for the opinions of the Administrative Departments of the Secretariat :-

1) What should be the period of probation for an absorbed State Servant?. and
2) Whether the restriction should be relaxed in the case of those who held permanent posts in their respective States and had put in service for more than a fixed period, say, for example, five years at the date of merger

2. It is requested that views on this question so far as the Public Works Department ——— is concerned, may be communicated at an early date.

By order of the Governor of Bombay

Sd/-

For Chief Secretary to the Government of Bombay, Political and Services Department.

DJT./-

(1)

9697/36/77051.

E.B.(III). Public Works Department.

A large number of State Servants have been absorbed in the Provincial Services under this Deptt. Due to the circumstances in this Province, as compared with those obtaining in the merged States before their merger, a large number of absorbed State servants have not been able to adapt themselves to the routines, methods, etc., Prevailing in this Province. It, therefore, seems advantageous both in the interests of the State servants themselves and Govt., that there should be a reasonable probationary period, say, one year, before the confirmation of the absorbed State servants. This will give an opportunity to Govt. to judge their value. Pending their confirmation, the concessions granted in G.R.,P. and S.D., No. 2735/46-II, dated the 20-5-1949, for the premature retirement of the State servants, who desire to do so, or who are surplus to requir-ments, also need to be suitably extended. If this is done, the State servants who are not found fit for confirmation will in no way be losers.

2. Normally, the restriction in respect of the probation-ary period need not be relaxed in the case of even permanent State servants, who have been absorbed in some other spheres which did not correspond to their activities in the States service. This has resulted in a change in the nature of the work to which they were accustomed and their suitability or otherwise for this changed work will have to be judged. As regards those permanent State servants, who have been absorbed in posts corresponding to their substantive posts in States service, the probationary period may not perhaps the insisted on. If, however, it is decided, as a matter of policy, not to prescribe a probationary period for permanent State servants in general, it may be necessary to limit the exemption to only such of those who have put in at least 10 years' permanent service in the State. The necy. draft will be put up on receipt of orders.

Id/- Thro' E.B.(I) and (II). No.....

No probationary period appears to be necessary in the case of tempy State servants absorbed as tempy hands under this Govt.,service. Their services - if found to be unsuitable and unsatisfactory - can be terminated with one months' notice. If necessary this may be made clear to all such employees.

Similarly no probationary period need be stipula-ted in the case of these permanent State servants, who are absorbed in the posts, duties of which are more or less similar to the substantive posts held by them in the State.

In all other cases probationary period of one year may be prescribed, irrespective of the total service to the credit of the absorbed State servants.

Id/- 14-12-49.

Id/- 15-12.

A period of probation would enable Govt. to judge the ability and suitability of absorbed State servants. On the other hand, it may lead to a certain ammount of suspence and discontant, if applied to all ~~xxx~~ without discrimination.

The creterion of appointment to a temporary post may not be useful in many cases - for example, in the police, temporary posts has been created to accommadate state employees - permenant and temp.

What is required is to define clearly the categories of State employees who should ~~to~~ not be treated as on probation, as that all others would be on prob. ~~State~~ Such categories of persons exempted from probation may be :-

State employees having a service of over 5 years in the grade or cadre, who have been absorbed in the corresponding Bombay grade and whose pay does not exceed the pay they would have drawn had all their services been in Bombay scale.

'Corresponding' grade would also imply that the duties they an performing in Bombay are not considered less responsible them those in the State.

In cases where absorption is in different grade of for different duty the Head of the Dept should declare if the grade/duties correspond or not.

All State servants whose pay in Bombay is fixed by Govt. under rule (1) proviso (iv); or those to whose rule 7 applies shall ~~ben~~ be on prob.; for also these if any this has been absorbed in higher posts or higher grades. for any reason.

Probation to ~~xxx~~ me of one year.

Id/-

DJT./-

15

No. 2735/46-60115-F
Political and Services Department
Bombay Castle, 12th December 1949.

Subject:- State Servants absorbed in Government ~~[illegible]~~ Probationary period for the —

MEMORANDUM

The undersigned presents compliments to the Secretary to Government Public Works Department and with reference to Government Memorandum, Political and Services Department No. 2735/46-II-F dated the 15th November 1949 on the above subject is directed to request that necessary reply should be communicated to this Department without further delay.

By order of the Governor of Bombay,

Id/-

For Chief Secretary to the Government of Bombay, Political and Services Department.

DJT./-

Letter.

No. 9697/36-S(III). Public Works Department,
Bombay Castle (Bombay No. 1),
3rd January 1950.

To

The Chief Secretary to the Government of Bombay,
Political and Services Department.

Subject:- State servants absorbed in Government Service Probationary period for the -.

Reference : Government Memorandum, Political and Services Department, No. 2735/46-II-F, dated the 15th November 1949, and reminder, dated the 12th December 1949.

2. A period of probation would enable Government to judge the ability and suitablity of absorbed State servants. The restriction would, however, lead to a certain amount of suspense and discontent, if made general and applied to all without discrimination. This Department, therefore, considers that the categories of State employees who should not be treated as on probation should be defined clearly, so that all the others would be considered as on probation. Such categories to which probationary period will not apply may be as under :-

State employees having a service of 5 years and over in the grade or cadre, who have been absorbed in "corresponding" grade and whose pay does not exceed the pay they would have drawn had all their service been in Bombay grade.

Note (i). "Corresponding" grade would also imply that the duties they were performing in the State service were not less responsible than the duties they are expected to permorm in Bombay service.

Note (ii). In case where absorption is in different grade or for different duties, the Head of the Department should declare if the grades duties correspond or not.

3. All other State servants, and in particular -

(i) those whose pay is fixed by Government under the proviso (iv) to rule 3(1) of the rules laid down in Government Resolution, Political and Services Department, No. 2735/46-II, dated the 20th May 1949;

(ii) those to whom rule 7 of the rules apply;

(iii) those who have been absorbed in higher posts or grades for any reason;

may be on probation for a period of one year;

By order of the Governor of Bombay,

Id/-

for Deputy Secretary to the Government of Bombay, Public Works Department.

D.A.-Nil.

DJT./-

For further orders pl. see G.C., P. & S.D., No.-2735/46 -42229-F, dt. the 12-10-50 (2748/48/85972).

State servants absorbed in Government service. Probationary period and departmental examinations for the ——

GOVERNMENT OF BOMBAY.

POLITICAL AND SERVICES DEPARTMENT.

Circular No. 2735/46.

Bombay Castle, 9th March 1950.

CIRCULAR OF GOVERNMENT.

With reference to Government Resolution, Politica and Services Department, No. 2735/46, dated the 20th May 1949, Government is pleased to direct that all the State employees who have been absorbed in Government s -vice and who are below 40 years of age on the 1st January 1950, should be on probation for one year with effect from the date of their appointment under this Government. All these persons who are absorbed in posts or services in respect of which departmental and/or language examina--tions have been prescribed should pass such examinations within two years from the date of their appointment. In special circumstances, Government may extend this period to three years. The increments of the persons who fail to pass the examinations within the prescribed period will be liable to be withheld.

2. All the State servants in question shall be eligible to draw increments during the period of probation as well as the period allowed to them for passing the prescribed departmental and/or language examinations.

By order of the Governor of Bombay,

M. D. BHAT,

Chief Secretary to the Government of Bombay, Political and Service Departme

To

The Private Secretary to the Governor,
The Secretary to the Honourable the Chief Minister,
The Secretary, Bombay Public Service Commission,
The Accountant General, Bombay (through the Finance Department),
*The Prothonotary and Senior Master, High Court, Bombay,
*The Registrar, High Court, Appllate Side, Bombay,
All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
The Finance Department,
All other Departments of the Secretariat (except the Separate Department),
*The Secretary to the Government of India, Ministry of States.

* By letter.

No. of 1950.

Copy forwarded for information and guidance to

DJT./-

From - Restis, Bombay.

To - The Collector and Chief Administrator, Surat.

No. 2967/46/8705-G. Bombay Castle, 18th May,1949.

Reference your letter No. A.D.M. 404, dated the 18th March 1949 regarding the absorption of State Servants.

2. Government is pleased to direct that benefits of rules 3 and 4 of the Rules printed as an accompainment to Government Resolution, Political and Services Department, No. 2735/46, dated the 7th September 1948, should also be given to those State servants who choose to retire within these months from the date of their absorption in Government service or the issue of these orders, whichever is later.

M. D. Bhat,

Chief Secretary to the Government of Bombay, Political and Services Department.

Copy, with a copy of a letter under a reply forwarded to the :-

All other Chief Administrators,
Accountant General, Bombay (through the Finance Department),
Finance Department.

COPY P. W. D.

Copy of a letter No.A.D.M.-404, dated the 18th March 1949, from the Chief Administrator, Surat addressed to the Chief Secretary to the Government of Bombay, Political and Services Department. --- --

Subject: Absorption of State servants.

In accordance with Government Circular (confidential) Political Services Department Department No. 2735/46F dated 28-10-48 I have absorbed some of the State servants of Bansda, Dharampur and Sachin in the District Establishment with effect from 1-12-48 on a probationaryperiod of one year with a view to determining the question of their permanent retention or otherwise on merits.

Now one Mr. S.N. Karnik of Dharampur who was absorbed as a talati in the District Establishment requested to allow him to retire on account of his indifferent health. His request has been sanctioned. Similar cases may also arise as some of the absorbed personnel may not be of the required standard and naturally after serving for some time, they may choose to retire. The question, therefore, is whether the benefits of rules 3 and 4 of the Rules printed as accompain--ments, to Government Resolution, Political and Services Deptt. No. 2735/46 dated 7-9-48 should be given.

In fairness, those who choose to retire within the probationary period of one year, should be given the bene--fit as this period would determine their suitability.

Early orders may kindly be passed.

DJT./-

GOVERNMENT OF BOMBAY
Political and Services Department.
Circular No. 2967/46-G
Bombay Castle, 14th November 1949.

Read Government letter, Political and Services Department, No. 2967/46/8705-G, dated the 18th May 1949.

In modification of the orders contained in the Government letter referred to above, Government is pleased to direct that the period within which the State servants may be allowed to exercise their option to retire should be three months from the date of their absorption or the 30th November 1949, whichever is more liberal.

By order of the Governor of Bombay

M. D. BHAT,
Chief Secretary to the Government of Bombay,
Political and Services Deparment.

To

All Collector (except the Collectors of East Khandesh, West Khandesh, Kanara and Bombay Suburban District),
All Heads of Departments and Heads of Offices under the several Departments of the Secretariat,
The Accountant General, Bombay (Through the Finance Department),
The Finance Department,
All other Departments of the Secretariat,.

DJT./-

25

9697/36
47734

No.A. 1938 of 1950.

Ex. Engineer's Office,
Mehsana, 9th Jan. 50.

The Superintending Engineer,
N.G.C. Ahmedabad.

Subject:- Absorption of state servants.

Reference:- Govt. of Bombay-Political & Services Dept. Circular No. 2967/46G dated 14-11-49.

With reference to the above, I have to bring to your notice that the Govt. order under reference allows the state servants to exercise their option to retire within three months from the date of their absorption or the 30th Nov. 1949 which ever is more liberal. Thus the period expires on 25-12-49, as the absorption of P.W.D. servants came in force from 26-9-49.

But this facility can be availed of only if pay, seniority etc. are finally decided a month in advance of the expiry of the period allowed. This has not been done so far.

It is requested therefore to write to the Govt. to extend the period to exercise optioning for retirement for the state servants of P.W.D. IN view of the above.

Sd/- xxx
Executive Engineer,
Mehsana Division.

No.G. 99/2091 of 1950.
Office of the Superintending Engineer, N.G. Circle Public Works Department,
Ahmedabad, 1/2/1950.

Copy forwarded with compliments to the Secretary to Government, P.W.D., Bombay, for favour of extending the period of exercising the option to stire till the question of fixation of pay of the state servants is decided. The pays of the Ex-Baroda servants have been fixed provisinally only and the statements showing the fixation of pay have been sent to the Deputy Accountant General, Barada, for scrutiny and acceptance. It will take some time before the pays are finally fixed.

Sd/-
Superintending Engineer,
North Gujarat Circle.

9697/36/8747

E.B.(III). P. W. D.

State servants are allowed to exercise their option to retire within 3 months from the date of their absorp-tion or the 30-11-49, whichever is more liberal, vide G.C.,P.& S.D.No. 2967/46-G, dt. the 14-11-49. For the reasons st-a-ted in his endt. dt. the 1-2-50 the S.E., N.G.C. requests that the period of exercising the

option.....

option to retire may be extended till the question of fixation of pay of the State servants is decided. The P.& S.D. may be requested U.O. to consider the proposal.

Id/-
21/2/50.

Id/- K.V.J(oglekar),
25/2
D.S.

U.O.R. to the P.& S.D., dt. the 27th Feb. 1950.

P.& S.D./G.

Please see the endst. of the S.E., N.G.C. at p. 7 ante.

2. The reason put forthe by him for extending the period of exercising option to retire by state servants is not at all convincing. If at all the state servants choose to retire within 3 months from the date of absorp--tion, it would be useless to fix their pay either provi--sionally or substantively as this will not materially affect their pensions which would be fixed on the average of the last three years' salary at the time of merger. In view of this, the proposal of the S.E.,N.G.C. should not be accepted. The three months' time given to state servants to exercise their option to retire after absor--ption seems quite adequate. These pps. may be returned to P.W.D. through the F.D. which deptt. may see u.o. for concurrence.

Id/-
15-3-
D.S.

17/3/

U.O.R to FD/P.W.D. dt. 18/3/50.

Finance Deptt.

Seen and returned to the P.W.D. through the P.& S.D.

2. F.D. may agree with the view taken by the P.& S.D. It may, however, be stated that if a person exercise the option to retire, the status quo should be completely restored to what it would have been had he not been absorbed. Thus pension should be calculated on the basis of the state pay, and not the Govt. pay drawn during the interim period. The P. & S.D. may see .....

see on this point for issue necessary orders.

Id/-
20/3/50.

In regard to A above, P.& S.D. may pl. ascertain from the A.G. in the first instance how he has been calculating pension in such cases.

U.S. (states).

Id/-
2/4/

U.O.R. to P.& S.D. d. 3/4/50.

P & SD/G

Submitted w.r.t. the O.N. dt. 17-3-50 prepage.

2. The A.G.B'bay may see these pps. U.O. for remarks, if any, as suggested by U.S. F.D. in his note dt. 2-4-50 prepage.

Id/-
12/4/

Id/-
12/4

U.O.R. to A.G. B'bay dt. 14/4/50.

A.G.'s Office.

Returned with compliments to the Political and Services Department.

2. The calculations being followed by this office in pension and gratuity cases of retired States personnel is that laid down in Para IV of the Government Resolution Political and Services Department No. 2735/46, dated 18-7-1949 but a difficulty was experience in the application of these orders and Government have therefore been addressed in this matter.- Vide this office letter No. P.R.I/States/316, dated 26-10-1949. In anticipation of Government orders in the matter, the pensions have been worked out provisionally by this office on the x average of last 3 years prior to the date of retirement only under B.C.S. Rs. 9(41) in the absence of any specific mention to the contrary in para IV(ii) (a) of the Government-Resolution,-Political and Services Department No. 2735/46, dated 18-7-1949 especially regarding the grant of pension. The conditions of taking the average of last 3 years prior to the date of merger referred to, applies only to the grant of gratuity. In the majority of cases the States personnel have actually retired long after the date of merger and it does not seem equitable to omit the pay that was actually drawn by such persons for a long time after the date of merger and to the date of actual retirment by way of service rendered to Government. Pending orders of Government of this office letter dated 26-10-1949 the procedure laid down by Government for the working of gratuity as referred to above (in view of the position explained in this office letter No. P.R.I/states/316 mentioned above).

The

The gratuity is, however, worked out by this office on last 3 years emplument drawn prior to the date of merger only. It may be mentioned here for the information of Government that though their pay after the date of merger is omitted for the purposes of gratuity, the service actually rendered by them to date of retirement is taken into account for the purposes of finding out the duty period. It may also be mentioned here that said Government Resolution allowes option of election of one of the three pension rules viz. B.C.S. Rs. or State pension rules or the formula given in para IV of that G.R. and the gratuities of the persons electing the said formula along will have to be fixed on the basis of average of 3 years prior to the date of merger but the gratuities of the persons electing the B.C.S.Rs. will be fixed on the pay last drawn at the time of retirement vide B.C.S.Rs. 288(b) and not on the avarage. This would result in an anomolly and hence a reference has already been made in Government in this office letter No. P.R.I/States/316, dated 26-10-1949. B C D

Government may kindly issue clear orders how gratuity or pension should be fixed.

Sd/-

A. A. O.

U.O.R. to the Chief Secretary to the Govt. of Bombay, Political and Services Department.
No.P.R.III/State/321.
Bombay, the 26th April 1950.

P & S.D./G.

Submitted for information w.r.t. the O.N. dt. the 17-3-50 on p. 9 ante.

2. The A.G.'s remarks prepage may now be shown U.O. to F.D. fo infn. and comments, if any, w.r.t. its note dt. the 2-4-50, at p. 10 ante.

(Thro' Br.)

Id/-
20/5

*to pl state what orders have been passed on the A.G's letter No. P.R.I./ States/316, dt. the 26-10-49.

Necy. reply to A.G's letter No. PRI States 316. dt. 26-10-49 was given through F.D. in P.& S.D. letter No. 2735/46-11933 on 20-4-1950. F.D. may be requested to endorse the same to A.G. if it has not done so still.

Id/-
22/5

Id/-
23/5/50.

U.O.R. to F. D. dt. 25/5/50.

Finance Department (O) .....

Finance Department (O)

Submitted with reference to the officem note dated 20-3-50 and U.S.'s note following it.

2. The point raised by F.D. was that in the case of persons who choose to retire after absorption in Govt. service, the state pay and not Govt. pay drawn during the interim period should be taken into account for the purpose of calculation pension. This point has not been raised by the A.G. in his letter No. P.R.I/State/316 dated 26-10-49, referred to by him in his present u.o.r.; and the A.G. has not given, in his present u.o.r., a clear and definite reply to the point raised by this Department. The letter referred to by him has already been replied to by P & S.D. vide No. 2735/46-11933-F dated 20-4-50.

3. Please see point (iv) in A.G's letter dated 26-10-49. That seems to be the only point which has some connection with the question under consideration. P.& S.D.,(in consultation with F.D.) has agreed with A.G. on this point. Thus the fact that the average of the three yrs. preceeding the date of actual retire-ment and not preceeding the date of merger, should be taken for the purposes of gratuity or pension is not disputied. What is disputed is whether the state pay or the Govt. pay drawn during the interveuing period should be taken into account. F.D. has already suggested that the state pay should be taken into account. Though the A.G. has not clearly stated it appears that he is taking into account the Govt. pay for the purposes of the average, both in respect of pensions and gratuities, (except in the case of the gratuities of the persons electing the formula in the rule).

4. As regards 'a' in the A.G.'s U.o.r. it may be stated that the question is not one of omitting the pay that was actually drawn by such persons during the interveuing period; the question is one of taking the state pay, and not Govt. Pay, for the purpose

of average of three years preceeding the date of retirement. The time limit allowed within which to exercise the option is in itself a concession, which should not be made a stepping stone to another concession, and therefore, as already stated, the position should be restored to what would have been, had there been no absorption. Otherwise, persons would get themselves absorbed first and then choos to retire with a view to secure the double benefit. This obviously should not be allowed. The P & S.D. has separately been advised to issue clear and definite orders in this respect.

5. The practice followed by the A.G. and mentioned at 'C' may perhaps be approved.

6. As regards portions marked 'B' and 'D', F.D. may agree with him that gratuities of the persons electing the formula in the rule should be fixed on the basis of average of 3 years prior to the date of merger; but in the case of those electing B.C.S.Rs. if they are found preferable to the. Though this may present an anomoly, it appears, it cannon be helped. The intention is to give option to choose those rules which are considered by the state servants to be benefitial to them; and if, therefore, a state servant chooses B.C.S.Rs we may not take objection to his receiving benefits according to those rules.

No. In reply to A.G's-letter dt. 26-10-49, Govt. has already agreed that the period should be three years prior to the date of actual retirement.

Id/-
4/6

7. The papers may be referred to A.G. through P.& S.D., who may see again.

8. These are the papers of the P.W.D. and the point on which the papers were referred by that Department to P & S.D. has already been decided in consultation with this Department. Therefore, P & S.D. may show the papers to that Department and get them transferred to itself. (i.e. P & S.D.)

Id/-
30/5/50.

Id/-
4/6/

U.O.R. to P.& S.D. dt. 5-6-50.

P. & SG/G .....

P. & SD/G.

Submitted w.r.t. the O.N. dt. the 23-5-50 at p. 14 ante and the proceedings underlying it.

2. P.W.D. may see these pps. U.O. for infn. in the first instance and transfer them officially to this deptt. for necy. further action.

Id/-
9/6

A.S.

Id/-
10/6/50.

U.O.R. to P.W.D. d. 14-6-50.

DJT./-

Copy of a letter from the Accountant General, Bombay, No. PR/I/States. 316 dated the 26th October 1949.

.....

Subject: Compensation Pension cases due th merger of States.

"I beg to invite a reference to Government Resolution, Political and Services Department No. 2735/46 dated 18-7-49 and to request Government to issue orders on the following points relating to pensions of retired servants of the States.

2. (i) Certain pensioners were either in temporary or offi--ciating capacity throughout their service. There is no mention in the Pension ~~enquiry~~ Rules of certain States or in para IV of the Government Resolution referred to above as to whether State Pensioners without permanent appointments discharged, as a result of merger, are also eligible for pension or gratuity, as the case may be. Government orders may be issued in this matter.

(ii) In a few cased, pensions have been sanctioned to those paid from the privy-purse. This office presumes that such persons are not entitled to any pension or gratuity from revenues of the State. Clear orders may please be issued.

(iii) It appears that the pay of State servants in certain cases was abnormally increased and fixed at such rates by the State authorities, sometime from December 1947 onwards; such per--sons become therefore eligible for a pension equal to or very nearly equal to their original pay. It would clearly be against public policy to accept such increases of pay as these have the effect of unduly inflating the pension. This office may kindly be informed as to how pensions should be calculated in such cases. A couple of instances are given below:-

(1) One pensioner drew pay at Rs.20/- upto November 1947. His pay was raised to Rs. 40/- in December 1947. He retired in June 1948. His pension under States Rules has been fixed by the Collector at Rs. 20/- p.m. equal to half of the last pay drawn.

(2) Another person drew pay of Rs. 90/- in March 1948; his pay was increased to Rs. 150/- in March 48. He retired in November 1948. His pension has been fixed at Rs. 75/- p.m. equal to half of the last pay drawn. In view of the orders contained in Politi--cal and Services Department Resolution No. 2735/46 dated the 10th May 1949 regarding such cases of pensions sanctioned by rulers prior to dates of merger, such cases will be returned to the Collectors for obtaining Government orders.

(iv) Under para IV(a)(1) of the Government Resolution under the reference Government have directed that the gratuity should be fixed on the basis of the average of three years preceeding the date of merger. As many of the State servants actually retir--ed after the date of merger, their service should be taken as having terminated from the date of actual retirement and the average emoluments reckoned for three years immediately prior to the date of actual retirement.

2. Early orders on the points referred to above may please be passed. In the meantime, this office is issuing P.P.Os. in the cases where the information necessary for fixing the pensions is available"

Copy of a reply to the Accountant General, Bombay, in Government letter, Political and Services Department No. 2735/46/11933-F, dated the 20th April 1950.

Subject : Compensation pension cases due to the merger of the States.

" I am .....

"I am directed to refer to your letter No. PR/I/States - 316, dated the 26th October 1949 on the above subject and to state as follows :-

.....

2(i) - Rules IV of the Rules in Government Resolution, Political and Services Department, No.2735/46, dated the 18th July 1949, does not make any distinction between temporary and permanent service rendered by a State servant. All Ex-State servants whether in temporary or officiating capacity throughout their service should be given pension or gratuity in accordance with these rules. No distinction has been made regarding the nature of the post held by an Ex-State sergant. Your attention is however invited to rule IV(c) in Government Resolution, Political and Services Department, No. 2735/46, dated the 18th July 1949, according to which temporary service is to qualify for pension or gratuity with the limitation that it is to be valued at one-half of permanent service for x calculating pension or gratuity. Temporary service does not qualify for special compensation gratuity.

As regards the question whether State pensioners re-employed by States should be allowed pension or gratuity, I am to state that orders on this respect have already been issued in Government letter, Political and Services Department, No. 341/46/21855-G, dated the 29th November 1949 (Copy enclosed).

(ii) Payments in respect of pension or gratuity to the State servants who were paid from the privy purse may be made from the revenues of the State provided the pension has been paid in the past from the State revenues. Where the pension has been paid from the privy purse. It should continue to be a charge on the privy purse.

(iii) The question whether pay of a State servant which as abnormally increased and fixed at such levels by the State authorities prior to integration should be taken into considera-tion. Also it is being considered in consultation with the Government of India in the Ministry of States, whether pensions sanctioned by the Rulers prior to ingegration which are flagrantly in excess of what would have been normally admissible are liable to suitable reductions. Necessary orders will be issued as soon as possible.

(iv) The view expressed by you is correct".

Copy of a letter from the Accountant General, Bombay, No.P.R.States/2658, dated the 6th February 1950.

Subject : Grant of pension to retired State Personnel.

"In continuation of this office letter No.P.R.States/316 dated 26-10-1949 I beg to furnish below a few more points noticed during the course of audit of state pension cases for orders of Government of enable this office to finalise provision-al pensions already issued.

2. (i) Para IV(c) of the G.R. Political and Service Deprat-ment No. 2735/46 dated 18-7-1949 permits temporary service to be taken as equal to permanent service but valued at one half and counted for pension. It may kindly be indicated whether this concession is to be allowed to those who were not confirmed at all but were holding temporary appointments throughout their service although their total uniterruped service exceeded nine years.

(ii) Pension Rules of some States allow pension for "Continous Service" (extracts of relevant rules are given in the statement attached) withoug referenct to whether it is substantive or not. As the normal condition that a person must be a perma-nent Govt. servant to become eligible for a gratuity or pension is not specifically required under rules of some States, it is

for .....

for orders whether employees of States who were without subst-time appointments should be admitted to the concession laid down in the Government Resolution, of 18-7-1949.

(iii) Under the Pension Rules of the Baria State (vide the enclosure) full and not half dearness allowance is allowed to count for pension. Employees of the Baria State who have specifically elected to have their pensions or gratuities fixed according to the pension Rules of the Baria State would normally under those rules be allowed to count for pension full dearness allowance drawn by them upto the date of discharge or retirement. This would however, not be in accordance with the Govt. of Bombay, Resolution, No.F.D.No.2735/46, dated 28-2-49, under which State servants, who retired from the States after the date of integration or merger or not later than 31-12-49, would not be allowed to count dearness allowance for purposes of pension. The intention of Govt. in regard to Baria State servants who elected to remain under Baria Pension Rules may kindly be clarified.

(iv) Ordinarily the concessions laid down in para IV of the G.R. dated 18-7-1949 are to be given to those who were discharged or who chose to retire either directly from state Service or even within 3 months from the date of their absorption in Govt. Service. There are, however, Cases of persons who accepted transfer of service from a State to the Govt. of Bombay but who subsequently had to retire on reaching the age of superannuation i.e. 55 or having been declared unfit by the medical authorities within the period of three months after absorption refeered to above. As the retirement of such persons is not by choice, I am of the view that their pension or gratuity claims should be dealt with under the B.C.S.Rs. and not under para IV of the G.R. referred to above. This may please be confirmed.

(v) Para IV of the G.R. referred to above allows to pensioners whose duty exceeded 9 years, pension or gratuity whichever is preferred by the pensioner. It may be mentioned here that there are many State pensioners who had put in from 30 to 45 years of service in the States on the dates of retirement. It may kindly be specified whether such persons can claim gratuity for the entire length of service (without limit), Two examples are given below :-

(a) One Mr. M.V.Sheth was employed in the service of Baria State on 10-11-1903 and retired on 2-3-1949. His pay during the last 3 years of service was Rs.200/- p.m. He has claimed a gratuity of Rs.9,000/- for his 45 years of service(i.e. 45 x 200)-

(b) One Mr. M.M.Pandya was employed in the Rajpipal State on 27-4-1916 and retired on 31-3-49. His pensionable pay during the last 3 years was Rs. 144-14-0 p.m. He has claimed a gratuity of Rs. 4,636/- for his 32 years of service.

(vi) The age of superannuation fixed by the States varied between 55 to 60 years and some States did not prescribe any age of superannuation at all and there were many persons who were of 62 or 63 years old, had remained in the service of the States and retired due to the merger. Such persons also were given three months' notice of discharge. The point for consideration is whether those old persons also were entitled to the notice. As such persons would have presumebly continued in the service of the States but for the merger and as they had not probably received any prior intimation about the date on which they should retire, it appears to be equitable either to give them the usual three months' notice or a grauity in lieu thereof. This presumption may please be confirmed.

3. Pensions and gratuities of States servants are being debited to the Major Head "55 Superannuation allowances and pensions." It is presumed that the special compensation gratuity sanctioned under the G.R. in question is also debitable to the same head as ordinary gratuity.

4. Early orders of Government are requested to enable prompt disposal of all cases of pension."

A COPY.

STATEMENT.

Reference	Rules and other details.
Para 2 of the letter	(1) Dharampur State. Rule 1:- A state servant who has in 10 years of continuous service is entitled to pension as under. $\frac{\text{No. of completed years of service}}{60} \times (\text{~~Last~~ last pay})$ (Note - Under Rule 5, pension is limited to half). (2) Bansda State. Rules No. 1:- A state servant between the age of 20 years and 60 years is entitled to pension for continuous service in the State.
para 3 of the letter	Baria State Rule No. 52 : as amended by State Resolution No. 24 of 48. An Officer cannot count the following allowances. (a) .. ... (b) .. ... (c) .. ... (d) Dearness allowance, if granted for a period exceeding one year. (Note - Under Rule 53(a) of the Baria State Rules, the pension is calculated on the average pay for the last six months. Hence all retired Government servants get the full D.A. to count for Pension).

Copy of a reply to the Accountant General, Bombay, in Government letter, Political and Services Department No. 2735/46/5882-F, dated the 22nd February 1950.

Subject : Grant of pensions to retired state servants — Points raised in connection with the ———

"I am directed to refer to your letter No. P.R.States/2658 dated the 6th February 1950 on the above subject and to state as follows :-

..... (1) .....

(i) The State servants who were not confirmed but were holding temporary appointments throughout their service may be held as eligible for concessions granted in Paragraph IV(c) of Government Resolution, Political and Services Department No. 2735/46 dated the 18th July 1949.

(ii) In accordance with the orders issued in Government Resolution, Political and Services Department No. 2735/46, dated the 18th July 1949 an option is given to the State servants to choose State Rules or the Bombay Civil Services Rules for fixation of pensions etc. It is as a matter of polity that Government has allowed this choice in order that a person can choose whichever he considers more liberal. In view of this, the concessions granted in the said Government Resolution, may be allowed to all persons irrespective of whether the posts held by them were substantive or otherwise.

(iii) In view of (ii) above, in the case of the Baria State servants who exercise the option and elect the state Rules, the full dearness allowance may be counted for the purpose of pensions. This is subject to the condition that the pensions fixed under the Baria State Rules will be liable to a suitable reduction as may be decided by Government in similar cases of flagrantly excessive pensions.

(iv) The concessions granted in Government Resolution, Political and Services Department No. 2735/46 dated the 18th July 1949 may be granted to those who are discharged after absorption due to superannuation of for other reasons subject to the condition that they are discharged after absorption within three months from the date of the absorption or before the 30th November 1949, whichever is more liberal.

(v) In case of persons who elect gratuity in place of pension gratuity may be paid to them in accordance with Rule IV of the Government Resolution, Political and Services Department No. 2735/46, dated the 18th July 1949 eventhough the Service rendered exceeds 9 years.

2. The presumptions made in paragraph 2 (vi) and paragraph 3 of your letter under reference are confirmed."

for further orders pl. see
Govt.endt. P.& S.D., No.
2735/46-24452-F, dt.the
11-12-50.
(2748/48/103332).

No. 2735/46/24452-F,
Political and Services Department,
Bombay castle, 21st June 1950.

Forwarded for information and guidance to :-

All Departments of the Secretariat (except the Separate Department),
All Heads of Departments under the several Departments of the Secretariat.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay,
Political and Services Department.

DJT./-